

SENATE BILL 135

By Ketron

AN ACT to amend Tennessee Code Annotated, Title 5; Title 6; Title 7; Title 8; Title 9; Title 13; Title 18; Title 49; Title 54 and Title 67, relative to official bonds required of certain public officials and public employees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-19-102(a), is amended by deleting the subsection in its entirety and substituting instead the following language:

(a) The official bonds of county officials required by law to execute such bonds shall be transmitted to the office of county clerk for safekeeping immediately upon their execution, approval and recordation in the office of the county register of deeds.

SECTION 2. Tennessee Code Annotated, Section 8-19-102(b), is amended by deleting the language "the comptroller of the treasury or" wherever it appears.

SECTION 3. Tennessee Code Annotated, Section 8-19-115, is amended by deleting the language "office of the comptroller of the treasury" wherever it appears and by substituting instead the language "office of the county clerk".

SECTION 4. Tennessee Code Annotated, Section 8-11-102, is amended by deleting the language "comptroller of the treasury" and by substituting instead the language "office of the county clerk".

SECTION 5. Tennessee Code Annotated, Section 8-11-103(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) If the official bond of the county trustee is executed by a surety company authorized to transact business in this state, the minimum amount of the bond shall be based on the revenues as follows:

(1) Four percent (4%) up to three million dollars (\$3,000,000) of the funds collected by the office;

(2) Two percent (2%) of the excess over three million dollars (\$3,000,000) shall be added; and

(3) The amounts indicated in subdivisions (b)(1)-(2) shall be cumulative.

SECTION 6. Tennessee Code Annotated, Section 8-11-103(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

(c) If the official bond of the county trustee is executed by personal sureties, the minimum amount of the bond shall be based on revenues as follows:

(1) Six percent (6%) up to three million dollars (\$3,000,000) of the funds collected by the office;

(2) Four percent (4%) of the excess over three million dollars (\$3,000,000) shall be added; and

(3) The amounts indicated in subdivisions (c)(1)-(2) shall be cumulative.

SECTION 7. Tennessee Code Annotated, Section 5-6-109, is amended by deleting the section in its entirety and by substituting instead the following:

Section 5-6-109. All county mayors shall, before entering upon the discharge of their duties, enter into an official bond prepared in accordance with title 8, chapter 19, to be approved by the county legislative bodies, in the sum of one hundred thousand dollars (\$100,000), or in a greater sum as the county legislative body may determine, payable to the state of Tennessee, for the use of their respective counties, conditioned for the faithful discharge of their duties as accounting officers and general agents of their counties, during their official terms, as set forth in § 5-6-108. The bond shall be recorded in the office of the county register of deeds and transmitted to the office of the county clerk for safekeeping.

SECTION 8. Tennessee Code Annotated, Section 8-8-103, is amended by deleting the language “twenty-five thousand dollars (\$25,000)” and by substituting instead the language “one

hundred thousand dollars (\$100,000)” and further amended by deleting the language “comptroller of the treasury” and by substituting instead the language “office of the county clerk”.

SECTION 9. Tennessee Code Annotated, Section 8-13-102(a), is amended by deleting the language “comptroller of the treasury” and by substituting instead the language “office of the county clerk”.

SECTION 10. Tennessee Code Annotated, Section 8-13-103, is amended by deleting the language “fifteen thousand dollars (\$15,000) in counties with population of less than fifteen thousand (15,000), and twenty-five thousand dollars (\$25,000) in counties with population of fifteen thousand (15,000) or more, according to the 1970 federal census or any subsequent federal census” and by substituting instead the following: “fifty thousand dollars (\$50,000) in counties with a population of less than fifteen thousand (15,000), and one hundred thousand dollars (\$100,000) in counties with a population of fifteen thousand (15,000) or more, according to the 2010 federal census or any subsequent federal census”.

SECTION 11. Tennessee Code Annotated, Section 5-13-103(c)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(1) Before assuming the director’s duties the director shall execute a corporate surety bond, the amount of which shall be established by the county mayor at not less than one hundred thousand dollars (\$100,000).

SECTION 12. Tennessee Code Annotated, Section 5-13-103(c)(2), is amended by deleting the language “comptroller of the treasury” and by substituting instead the language “office of the county clerk”.

SECTION 13. Tennessee Code Annotated, Section 5-14-103(c)(1), is amended by deleting the language “not less than ten thousand dollars (\$10,000) nor more than twenty-five thousand dollars (\$25,000)” and by substituting instead the language “not less than one hundred thousand dollars (\$100,000)”.

SECTION 14. Tennessee Code Annotated, Section 5-14-103(c)(2), is amended by deleting the language “comptroller of the treasury” and by substituting instead the language “office of the county clerk”.

SECTION 15. Tennessee Code Annotated, Section 5-21-109(a), is amended by deleting the language “fifty thousand dollars (\$50,000)” and by substituting instead the language “one hundred thousand dollars (\$100,000)”.

SECTION 16. Tennessee Code Annotated, Section 5-21-109(d), is amended by deleting the language “comptroller of the treasury” and by substituting instead the language “office of the county clerk”.

SECTION 17. Tennessee Code Annotated, Section 18-2-201(a), is amended by deleting the language “twenty-five thousand dollars (\$25,000) in counties with population of less than fifteen thousand (15,000) and fifty thousand dollars (\$50,000) in counties with population of fifteen thousand (15,000) or more, according to the 1970 federal census or any subsequent federal census” and by substituting instead the following: “fifty thousand dollars (\$50,000) in counties with a population of less than fifteen thousand (15,000) and one hundred thousand dollars (\$100,000) in counties with a population of fifteen thousand (15,000) or more, according to the 2010 federal census or any subsequent federal census”.

SECTION 18. Tennessee Code Annotated, Section 18-2-205, is amended by deleting the language “comptroller of the treasury” and by substituting instead the language “office of the county clerk”.

SECTION 19. Tennessee Code Annotated, Section 49-3-315(b)(3), is amended by deleting the language “comptroller of the treasury” and by substituting instead the language “office of the county clerk”.

SECTION 20. Tennessee Code Annotated, Section 9-3-301(c), is amended by deleting the language “fifty thousand dollars (\$50,000)” and by substituting instead the language “one

hundred thousand dollars (\$100,000)” and further amended by deleting the language “comptroller of the treasury” and by substituting instead the language “office of the county clerk”.

SECTION 21. Tennessee Code Annotated 7-86-119(c)(2), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(2) Effective July 1, 2013, the minimum amount of such required bond shall be determined from the amount of revenues handled by the respective emergency communications district as reported in the last audit approved by the comptroller of the treasury. The minimum amount of the bond shall be based on revenues as follows:

(A) Four percent (4%) of the revenues up to three million dollars (\$3,000,000);

(B) Two percent (2%) of the excess over three million dollars (\$3,000,000) shall be added; and

(C) The amounts indicated in subdivision (2)(A)-(B) shall be cumulative.

SECTION 22. Tennessee Code Annotated, Section 7-86-119(e), is amended by deleting the subsection in its entirety and by substituting instead the following:

(e) The official bonds required under this section are hereby required to be recorded in the office of the register of deeds where the office of the emergency communications district is located and transmitted to the office of the county clerk in the same county for safekeeping.

SECTION 23. Tennessee Code Annotated, Section 8-19-203, is amended by deleting the language “comptroller of the treasury” wherever it appears and by substituting instead the language “office of the county clerk”.

SECTION 24. Tennessee Code Annotated, Section 8-19-208, is amended by deleting the section in its entirety and substituting instead the following:

8-19-208. The bonds of the revenue officers, shall within ten (10) days after the same have been examined or taken, and after they shall have been attested, recorded and certified, according to law, be filed in the office of the county clerk for safekeeping.

SECTION 25. Tennessee Code Annotated, 13-14-114(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

(c) Effective July 1, 2013, the minimum amount of such required bond shall be determined from the amount of revenues handled by the respective development district as reported in the last audit approved by the comptroller of the treasury. The minimum amount of the bond shall be based on revenues as follows:

(1) Four percent (4%) of the revenues up to three million dollars (\$3,000,000);

(2) Two percent (2%) of the excess over three million dollars (\$3,000,000) shall be added; and

(3) The amounts indicated in subdivisions (c)(1)-(2) shall be cumulative.

SECTION 26. Tennessee Code Annotated, Section 13-14-114(e), is amended by deleting the subsection in its entirety and by substituting instead the following:

(e) The official bonds required under this section are hereby required to be recorded in the office of the register of deeds where the office of the development district is located and transmitted to the office of the county clerk in the same county for safekeeping.

SECTION 27. Tennessee Code Annotated 13-26-110(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

(c) Effective July 1, 2013, the minimum amount of such required bond shall be determined from the amount of revenues handled by the respective human resource

agency as reported in the last audit approved by the comptroller of the treasury. The minimum amount of the bond shall be based on revenues as follows:

- (1) Four percent (4%) of the revenues up to three million dollars (\$3,000,000);
- (2) Two percent (2%) of the excess over three million dollars (\$3,000,000) shall be added; and
- (3) The amounts indicated in subdivisions (c)(1)-(2) shall be cumulative.

SECTION 28. Tennessee Code Annotated, Section 13-26-110(e), is amended by deleting the subsection in its entirety and by substituting instead the following:

(e) The official bonds required under this section are hereby required to be recorded in the office of the register of deeds where the office of the human resource agency is located and transmitted to the office of the county clerk in the same county for safekeeping.

SECTION 29. Tennessee Code Annotated, Title 8, Chapter 19, Part 1, is amended by adding a new section thereto, as follows:

8-19-122. No bond required by this chapter shall be renewed upon its expiration or in the event of the reappointment or re-election of any officer or employee to a position for which a bond is required, but a new bond shall be furnished.

SECTION 30. Tennessee Code Annotated, Section 8-19-101, is amended by adding the following as a new subsection:

(e) County governments are required to obtain and maintain blanket surety bond coverage for all county employees not covered by individual bonds referenced elsewhere in statute. The minimum amount of such blanket bonds shall be one hundred fifty thousand dollars (\$150,000).

SECTION 31. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to the renewal or obtaining an official bond for any bonding after the effective date.